

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO.: 18-CV-10426-ADB

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KEVIN S. CLAPP	)
Plaintiff	)
	)
v.	)
	)
GOVERNOR CHARLES BAKER, et al.,	)
Defendants	)
	)

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**DEFENDANTS BRIAN BROOKS' AND BRIAN TULLY'S  
REQUEST FOR SANCTIONS AND OPPOSITION TO  
PLAINTIFF'S MOTION FOR SANCTIONS**

NOW COME Defendants Brian Tully and Brian Brooks Attorney Lorena Galvez and respectfully requests sanctions against Plaintiff, Kevin S. Clapp and opposes *Plaintiff's Motion for Sanctions* (Dkt. #154). In support thereof, Counsel states as follows:

On October 19, 2021, Plaintiff filed a Motion for Sanctions which falsely states that Defendants Tully and Brooks have “failed to produce any documents” to Plaintiff with regards to their personnel and internal affairs files. Prior to Plaintiff filing his Motion for Sanctions, Defendants Brooks and Tully had complied with the requirements of the Court. On September 3, 2021, Defendants Tully and Brooks, through Counsel, advised Plaintiff that after review of their respective disciplinary files, neither contained disciplinary related information. On September 28, 2021, Defendants Tully and Brooks, through Counsel, provided a copy of their internal affairs files received on their behalf from the Massachusetts State Police. Upon receipt of *Plaintiff's Motion for Sanctions* filing on October 19, 2021, Counsel for Defendants Tully and Brooks immediately e-mailed

Plaintiff's Counsel notifying him of his misrepresentations to the Court and requested that Counsel correct his filing. After having received no response from Plaintiff's Counsel, on October 20, 2021, another Counsel for Defendants Brooks and Tully e-mailed Plaintiff's Counsel and again requested a correction be made by Plaintiff to his Motion for Sanctions filing. To date, Plaintiff has disregarded Defendants Brooks and Tully's requests and attempts to correct Plaintiff's misrepresentations to the Court without further Court involvement, to no avail. As such, Defendants Brooks and Tully have been forced to respond to same and needlessly incur further attorney's fees and costs.

**PLAINTIFF IS NOT ENTITLED TO SANCTIONS**

Based on the foregoing arguments, neither Defendant Brooks nor Defendant Tully have taken any actions that would warrant sanctions.

**CONCLUSION**

WHEREFORE, Defendants Brooks and Tully respectfully request that this Honorable Court deny *Plaintiff's Motion for Sanctions* and instead, impose sanctions against Plaintiff and award Defendants Tully and Brooks costs and fees and such other relief as the Court deems proper.

Respectfully submitted,  
For Defendants Brian Brooks and  
Brian Tully  
By their attorneys,

RAFANELLI KITTREDGE, P.C.

/s/ Joseph P. Kittredge

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CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants.

Date: 10/26/2021

/s/ Joseph P. Kittredge  
Joseph P. Kittredge